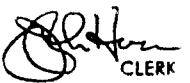


FILED

MAR 31 2015



CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TRAVIS EMORY CORRELL, * CIV 14-4158

Petitioner, *

vs. *

ORDER

THE UNITED STATES OF AMERICA;
ERIC HOLDER, Attorney General;
CHARLES E. SAMUELS, JR.,
Director, Federal Bureau of Prisons;
PAUL M. LAIRD, Regional Director,
Federal Bureau of Prisons; and
W. SCOTT WILLIS, Warden,
Federal Prison Camp Yankton,

Respondents. *

*

Petitioner brings this *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Also pending before the Court is Respondents' Motion to Dismiss, Doc. 11. The Magistrate Judge issued a Report and Recommendation recommending that the Petition be denied. Petitioner filed objections to the Report and Recommendation.

This Court recognizes that 18 U.S.C. § 3625 precludes judicial review of individual RDAP program entry determinations, *Reeb v. Thomas*, 636 F.3d 1224, 1227 (9th Cir. 2011), unless there is a violation of established federal law or a violation of the Constitution. There is no violation of federal law as the Bureau of Prisons in making this individual determination did not exceed its statutory authority nor did it otherwise violate federal law or the Constitution. The Court understands that Petitioner Correll is not requesting entry into RDAP. Having additional sentencing reduction incentives for federal prisons might be good public policy. However, given the separation of powers, the Courts cannot fashion such programs as new programs would have to come from the Legislative and the Executive branches of the government. No violation of statutory or constitutional

law or settled federal law has been identified by Mr. Correll and thus no cause of action is stated even though the complaint and other pleadings from Mr. Correll are thoughtful and well presented so the appointment of counsel was not warranted. This action will not be counted as a strike in the three-strike barrier in the Prison Litigation Reform Act, 28 U.S.C. § 1915, to filing actions in federal court.

Jennings v. Netrona County Detention Center Medical Facility, 175 F.3d 775, 779 (10th Cir. 1999).

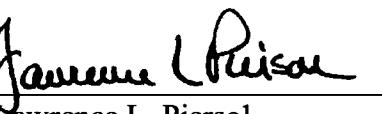
Accordingly,

IT IS ORDERED:

1. That the Petitioner's Objections to the Magistrate Judge's Report and Recommendation, Doc. 15, are overruled.
2. That the Report and Recommendation, Doc. 14, is ADOPTED.
3. That Respondents' Motion to Dismiss, Doc. 11, is GRANTED.
4. That Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, Doc. 1, is DENIED with prejudice.
5. That Petitioner's Motion to Appoint Counsel, Doc. 16, is DENIED.

Dated this 31st day of March, 2015.

BY THE COURT:

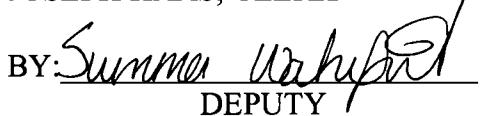


Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
Summer W. Murphy
DEPUTY